

patentably over the prior art. Claims 1 to 4 have been rewritten as new claims 5, 6 and 7.

Claims 1 to 3 were rejected as unpatentable in favor of **Thelen** patent number **1886988**. Claim 1, now rewritten as claim five, claim 2, now rewritten as claim 6 and claim 3 now claim 7 refer to a method of heating the prior art bench.

Claims 1,2 and 4 were rejected in favor of **Kamitani**, patent number **3493721**. Claim 1, now rewritten as claim 5, describes a different method of electrical heating and a different usage.

Claims 2 and 3, now claims five and 6, provide additional differences to make this invention novel. Rather than using woven fabric sealed with plastic sheets, this invention encloses heating elements in concrete or stone with insulation and a thermostat.

Claims 1 to 4 were also rejected according to **Weithas'** foreign patent number **DE 3803903-A1**. The method for heating the bench is very different from this applicant's invention. Weithas uses water as a main heating and circulation component, with solar, battery and electrical backup to heat the water. The electrical mechanism used is copper spirals to heat the water. Weithas' bench is not made of stone or concrete but stainless steel, paint and wood.

Other prior art to be addressed as different is **Taberman**, patent number **4,225,774**. That invention has group heated seating used in sports arenas and uses forced air to heat the bench. The method of heating is not similar.

Jenkins, patent number **3948246**, blows hot air that channels into the seats, also a different method of heating the bench.

Conclusion:

This applicant respectfully submits that the errors in the specification are corrected, the claims comply with Section 112, the claims define over the prior art under Section 102 because of the method of heating the bench is novel and the claimed distinctions are of patentable merit under Section 103 because of this method. Accordingly, applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits.

Very respectfully,



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